

**MINUTES
CITY COUNCIL MEETING
February 3, 2016**

The Wayne City Council met in regular session at the Wayne Senior Center on Wednesday, February 3, 2016, at 5:30 o'clock P.M. The meeting was postponed from Tuesday, February 2, 2016, because of the snowstorm. Mayor Ken Chamberlain called the meeting to order with the following in attendance: Councilmembers Rod Greve, Jon Haase, Jennifer Sievers, Nick Muir, Jason Karsky, Matt Eischeid, and Jill Brodersen; City Attorney Amy Miller; City Administrator Lowell Johnson; and City Clerk Betty McGuire. Absent: Councilmember Cale Giese.

Notice of the convening meeting was given in advance by advertising in the Wayne Herald on January 21, 2016, and a copy of the meeting notice and agenda were simultaneously given to the Mayor and all members of the City Council. All proceedings hereafter shown were taken while the Council convened in open session.

Councilmember Haase made a motion, which was seconded by Councilmember Greve, whereas, the Clerk has prepared copies of the Minutes of the meeting of January 19, 2016, and that each Councilmember has had an opportunity to read and study the same, and that the reading of the Minutes be waived and declared approved. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried and the Minutes approved.

The following claims were presented to Council for their approval:

VARIOUS FUNDS: CITY EMPLOYEE, RE, 150.00; AMAZON.COM, CU, 230.07; AMERITAS, SE, 2926.75; APPEARA, SE, 168.39; AS CENTRAL SERVICES, SE, 448.00; AWWA, FE, 300.00; CITY EMPLOYEE, RE, 19.11; BLACK HILLS, SE, 1869.76; BROOKDALE WAYNE, RE, 10988.00; CARROT-TOP INDUSTRIES, SU, 170.33; CENTURYLINK, SE, 414.17; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, PY, 67642.24; CITY OF WAYNE, RE, 1354.53; COMMUNITY HEALTH, RE, 4.00; CROSSROADS-ATOLL PRODUCTIONS, RE, 40000.00; CUMMINS CENTRAL POWER, SE, 3314.81; DANKO EMERGENCY EQUIP, SU, 2755.08; DE LAGE LANDEN FINANCIAL, SE, 77.00; DEARBORN NATIONAL LIFE, SE, 2173.20; DUTTON-LAINSON CO, SU, 661.06; CITY EMPLOYEE, RE, 100.00; ELECTRICAL ENGINEERING & EQUIP, SU, 186.04; EMBASSY SUITE, SE, 1073.00; FIRST CONCORD GROUP, SE, 2872.98; FLOOR

MAINTENANCE, SU, 657.22; FREDRICKSON OIL, SU, 1362.90; CITY EMPLOYEE, RE, 132.93; GALE GROUP, SU, 50.03; GILL HAULING, FE, 15.00; GROSSENBURG IMPLEMENT, SU, 322.50; CITY EMPLOYEE, RE, 118.99; HANNA:KEELAN, SE, 10500.00; HD SUPPLY WATERWORKS, SU, 337.22; CITY EMPLOYEE, RE, 129.78; HTM SALES, SU, 12141.90; ICMA, SE, 6360.30; IRS, PY, 24850.58; JEO CONSULTING GROUP, SE, 11860.00; CITY EMPLOYEE, SU, 83.33; CITY EMPLOYEE, RE, 157.05; KRIZ-DAVIS, SU, 2146.87; CITY EMPLOYEE, RE, 435.25; LUTT OIL, SU, 16480.00; MAIN STREET AUTO, SE, 200.00; MIDWEST SERVICE & SALES, SU, 565.50; NNEDD, SE, 720.00; NE CODE OFFICIAL ASSOCIATION, FE, 230.00; NE DEPT OF REVENUE, TX, 3590.59; NE NEB INS AGENCY, SE, 713.00; NE PLANNING & ZONING ASSOC, FE, 40.00; NE PUBLIC HEALTH ENVIRONMENTAL LAB, SE, 1894.00; NNPPD, SE, 12425.57; NWOD, FE, 15.00; OTTE CONSTRUCTION, SU, 2460.00; CITY EMPLOYEE, RE, 222.06; PICK EQUIPMENT & CHOPPING, SE, 4125.00; QUALITY 1 GRAPHICS, SU, 1420.00; ROURKE EDUCATIONAL MEDIA, SU, 159.60; RR DONNELLEY, SU, 108.17; SANDRA ATKINS, SE, 30.00; STADIUM SPORTING GOODS, SU, 247.00; STAPLES ADVANTAGE, SU, 45.33; STOREY KENWORTHY/MATT PARROTT, SU, 53.73; STRATTON, DELAY, DOELE, SE, 555.00; THE TOOL DEPOT, SU, 137.68; UTILITIES SECTION, FE, 480.00; VAKOC CONSTRUCTION, SU, 21.36; VERIZON, SE, 99.78; VIAERO, SE, 247.01; WAYNE COUNTY COURT, RE, 188.00; WHITE DOG PUB, SE, 644.00; WISNER WEST, SU, 247.32; ZACH HEATING & COOLING, SE, 54.57; AHERN CO., SE, 330.00; AMERITAS, SE, 2549.51; AMY K. MILLER, SE, 5432.01; APPEARA, SE, 68.29; ARNIE'S FORD-MERCURY, SU, 44388.00; BECK AG, RE, 50000.00; CITY EMPLOYEE, RE, 50.27; BIG T ENTERPRISES, SU, 104.29; BOK FINANCIAL, RE, 50405.22; BOMGAARS, SU, 1721.72; BSN SPORTS, SU, 20.98; CERTIFIED TESTING SERVICES, SE, 2670.00; CITY OF WAYNE, RE, 200.00; CITY OF WAYNE, PY, 69112.24; CITY OF WAYNE, RE, 427.30; COMMUNITY HEALTH, RE, 4.00; DALE PAULSON, SE, 1582.93; ECHO GROUP, SU, 165.32; ED. M FELD EQUIP, SU, 642.35; FIRST SOURCE TITLE&ESCROW, SE, 100.00; GEMPLER'S, SU, 94.85; GILL HAULING, SE, 170.50; GROSSENBURG IMP, SU, 12.04; HOMETOWN LEASING, SE, 412.86; HR DIRECT, SU, 701.80; HUNTEL, SE, 2502.53; ICMA, SE, 6360.30; IRS, TX, 25256.05; J.P. COOKE COMPANY, SU, 155.75; CITY OF WAYNE, RE, 90.00; KRIZ-DAVIS, SU, 383.60; CITY EMPLOYEE, RE, 381.56; LUTT OIL, SU, 17760.00; MID-CONTINENT SALES, SU, 671.89; MUNICIPAL SUPPLY, SU, 3007.82; NE DEPT, TX, 3663.57; NNPPD, SE, 6188.16; OFFICE SYSTEMS CO, SE, 274.99; ONE CALL CONCEPTS, SE, 9.84; PAC N SAVE, SU, 53.50; POUTRE, GARRY, RE, 120.78; RIEKES EQUIP, SU, 396.98; RR DONNELLEY, SE, 57.13; CITY EMPLOYEE, SU, 41.62; STAPLES ADVANTAGE, SU, 478.74; STOREY KENWORTHY/MATT PARROTT, SU, 71.23; THE COFFEE SHOPPE ON MAIN, SE, 224.27; WAYNE BASEBALL ASSOCIATION, RE, 180.00; WAYNE COUNTY COURT, RE, 150.00; WAYNE GROCERY, SU, 32.99

Councilmember Haase made a motion, which was seconded by Councilmember Brodersen, to approve the claims. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried.

Mayor Chamberlain advised the public that a copy of the Open Meetings Act was located on the west wall of the Senior Center and was available for public inspection. In addition, he

advised the public that the Council may go into closed session to discuss certain agenda items to protect the public interest or to prevent the needless injury to the reputation of an individual and if such individual has not requested a public hearing.

Mayor Chamberlain stated the time was at hand for the public hearing regarding an application for a Retail Class C Liquor License for M. Berns, LLC, d/b/a “Broken Antler” located at 111 E. 3rd Street.

Marcus Berns was present to answer questions. He is the new owner of the former Mikey’s Place.

City Clerk McGuire had not received any comments for or against this public hearing.

There being no public comments, Mayor Chamberlain closed the public hearing.

Councilmember Sievers introduced Resolution No. 2016-4 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2016-4

A RESOLUTION APPROVING THE APPLICATION FOR A RETAIL CLASS C LIQUOR LICENSE — M. BERNS, LLC, D/B/A “BROKEN ANTLER.”

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried.

Administrator Johnson stated the following Resolution would approve a Consulting Services Agreement with C. H. Guernsey & Company to evaluate the market for power plant capacity and the terms of any contracts the Council may consider to lease out the City’s power plant beginning in 2019.

Councilmember Sievers introduced Resolution No. 2016-5 and moved for its approval; Councilmember Haase seconded.

RESOLUTION NO. 2016-5

A RESOLUTION ACCEPTING PROPOSAL AND APPROVING CONSULTING SERVICES AGREEMENT WITH C. H. GUERNSEY & COMPANY FOR CONSULTING SERVICES.

Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried.

On December 18, 2012, the City of Wayne adopted its CDBG Revolving Loan Fund Guidelines. Northeast Nebraska Economic Development (NNEDD) staff noticed that when they prepared the guidelines, one section was not intended to be in the document. Section 6 states that the interest rate will not be below 4.00%. This is actually a guideline that NNEDD has for one of its funds, but does not pertain to the City of Wayne. In order to have the flexibility to offer an incentive loan in the future with a lower interest rate, NNEDD staff is recommending the guidelines be amended to remove this portion of Section 6.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, approving an amendment to Wayne's Community Development Block Grant Revolving Loan Fund Guidelines by removing the set minimum interest rate, as recommended by Northeast Nebraska Economic Development District staff. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried.

JEO Consulting Group, Inc. presented Application for Payment No. 6 for the "2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project" for \$276,283.26 to Eriksen Construction. They have found the work to date completed in accordance with the plans and specifications, and recommend approval of the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving Application for Payment No. 6 for \$276,283.26 to Eriksen Construction for the "2015 Wastewater Treatment Facility Improvement – Phases 3, 4, & 5 Project." Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried.

JEO Consulting Group, Inc. presented Application for Payment No. 7 for the "2016

Wayne Aquatic Center Project” for \$189,379.20 to Christiansen Construction Co., LLC. They have found the work to date completed in accordance with the plans and specifications and recommend approval of the same.

Councilmember Brodersen made a motion, which was seconded by Councilmember Eischeid, approving Application for Payment No. 7 for \$189,379.20 to Christiansen Construction Co., LLC, for the “2016 Wayne Aquatic Center Project.” Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried.

Discussion took place regarding the Phase II Trail Route selection between Sherman Street and the end of Westwood Road. Mayor Chamberlain advised the public that he would allow 20 minutes for those wishing to speak against the trail and/or the proposed routes, and then 20 minutes for those wishing to speak for the trail and/or the proposed routes.

Those present that spoke against the trail and/or the routes were: Attorney Wes Van Ert, Jennifer Johnson, Dave Ewing, Jeryl Nelsen, Ron Carnes, Paul Lindner and Jon Temme.

Those present that spoke in favor of the trail and/or the routes were: Lois Shelton, Greg Werner, Barbara Hayford, Mark Hammer, Mike Hull, Kessy Hansen, Kevin Pollard, Sandy Brown, Rhonda Sebade and Matthew Samuelson.

After hearing the statements provided by those who spoke, Council discussed the matter. Councilmember Brodersen stated she thought the trail was a safety measure that will help future development, and that the past decision of the Council should be upheld regarding the trail.

Councilmember Eischeid reiterated the fact that, from a safety standpoint, and in his professional opinion, the route going along the south edge of the Johnson property was the best route.

Mayor Chamberlain read a statement he had received from Councilmember Giese who was unable to be at the meeting.

Councilmember Brodersen made a motion, which was seconded by Councilmember Haase, to go into the land (Carl Johnson property) north of the City limits (Option D), and bypassing Westwood Road and Sherman Streets. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried.

Councilmember Sievers made a motion, which was seconded by Councilmember Greve, to adjourn the meeting. Mayor Chamberlain stated the motion, and the result of roll call being all Yeas, with the exception of Councilmember Giese who was absent, the Mayor declared the motion carried and the meeting adjourned at 6:37 p.m.

